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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/820,207	03/28/2001	Brewster P. Kahle	ALEXA1.003A	3849
20995	7590	01/26/2005	EXAMINER	
KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			MCALLISTER, STEVEN B	
			ART UNIT	PAPER NUMBER
			3627	

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Kahl

ALEXA1.003A

EXAMINER

McAllister

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20050124

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Commissioner for Patents

The amendment of 10/26/2004 is non-responsive for the following reason:

Newly submitted claims 45-85 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-31 and 38-40 (elected and examined on the merits in the original claims), drawn to a method of providing product information, classified in class 705, subclass 27.
- II. Claims 45-65, drawn to an apparatus for sharing of information between users, classified in class 705, subclass 14.
- III. Claims 66-85, drawn to a method of sharing information between users, classified in class 705, subclass 14.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the method can be practiced with a different apparatus having lacking the client program on the user computers for collecting information, but using for instance web crawlers to gather information.

Inventions III and I are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed since the details of the subcombination are not claimed. The subcombination has separate utility such as providing information additional information from the manufacturer instead of from other users.

Inventions III and II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the apparatus can perform a method in which the first user is not required to input the information.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 45-85 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Since no claims are left to examine on the merits, the amendment is considered inadvertantly non-responsive.

A handwritten signature in black ink, appearing to read "Steve B. McAllister".

STEVE B. MCALLISTER
PRIMARY EXAMINER